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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/282,238	03/31/1999	ALESSANDRO FORIN	MS-77APP1(11	8338
22971	7590	04/04/2006	EXAMINER	
MICROSOFT CORPORATION ATTN: PATENT GROUP DOCKETING DEPARTMENT ONE MICROSOFT WAY REDMOND, WA 98052-6399			HO, ANDY	
			ART UNIT	PAPER NUMBER
			2194	

DATE MAILED: 04/04/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/282,238

Applicant(s)

FORIN ET AL.

Examiner

Andy Ho

Art Unit

2194

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 25 January 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 2,3,5-21,23,24 and 26-37 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 2,3,5-21,23,24 and 26-37 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 7/7/03.
- 4) ☐ Interview Summary (PTO-909) Paper No(s) \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

WILLIAM THOMSON  
SUPERVISORY PATENT EXAMINER

### **DETAILED ACTION**

1. This action is in response to the request for reconsideration filed 1/25/2006.
2. Claims 2-3, 5-21, 23-24, and 26-37 have been examined and are pending in the application.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 2-3 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fowlow U.S Patent No. 6,260,078 in view of Pekowski U.S Patent No. 6,769,126.

**As to claim 3**, Fowlow teaches a method of providing a dynamically configurable system on a computer (java client 202, Fig. 2) having a working memory (run-time environment, line 45 column 1), comprising:

providing demand-loadable components (applet execution code, line 43 column 13) initially stored outside of said working memory (stores at the class server, lines 18-32 column 13), each component having an entry point comprising a constructor for an object (applet, line 43 column 10);

providing a Namespace (network class loader, java interpreter, lines 43-46 column 13) in said working memory which provides access to components as they

become needed (classes exist that may be desirable for loading into client application, lines 9-10 column 13) by applications (client application, line 10 column 13) running in the computer, the Namespace managing demand-loading and unloading of the components (execution code is loaded into class loader, lines 43-59 column 13) in the working memory.

Fowlow further teaches the invention can be used to load any portion of executable code (lines 15-25 column 16). However, Fowlow does not explicitly teach the loadable components are operating system components.

Pekowski teaches the concept of loading an operating system component (DLL, line 63 column 3) on demand as needed by a running application (line 61 column 3 to line 38 column 4). It would have been obvious to apply the teachings of Pekowski to the system of Fowlow because this allows the system of Fowlow to load any portion of executable code during run-time wherein such code could include an operating system component code as suggested by Pekowski (line 61 column 3 to line 38 column 4).

**As to claim 2**, Fowlow as modified further teaches demand-loadable operating system components are initially provided in a location external of the computer (stores at the class server, lines 18-32 column 13).

**As to claim 5**, Fowlow as modified further teaches the applications rely on the Namespace to furnish access to one of the operating system components, as they become needed by one of the applications (execution code is loaded into class loader, lines 43-59 column 13).

4. Claims 6-21, 23-24 and 26-37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fowlow in view of Pekowski, and further in view of King U.S Patent No. 6,681,263.

**As to claim 6**, Fowlow as modified further teaches each operating system component comprises an object (applet, line 43 column 10) with an interface (interface, 13 column 10). However, Fowlow does not explicitly teach object reference count.

King teaches a system of controlling the lifetime of software object (lines 7-9 column 1) wherein the object having an IUnknown interface (interface called IUnknown, line 35 column 1; acquire interface pointers to the object's interface, lines 37-38 column 1) with methods: add reference for incrementing a count of the number of applications requiring the object (...whenever an interface pointer is passed to a new client, the object adds one to its reference count..., lines 49-50 column 1); release reference for decrementing a count of the number of applications requiring the object (...when the client is done with the interface pointer, it is must call Release on that pointer. This causes the object to decrement its counter..., lines 55-57 column 1). It would have been obvious to apply the teachings of King to the system of Fowlow because reference counting allows the system to determine when an object will stop executing as disclosed by King (lines 30-36 column 1).

**As to claim 7**, it is a method claim of claim 6. Therefore, it is rejected for the same reasons as claim 6 above. King further teaches QueryInterface method providing access to the methods of the object to an application invoking QueryInterface (method

that client uses to acquire interface pointer to the object's interface, lines 37-38 column 1).

**As to claim 8**, King further teaches the object is a COM object (COM object, line 20 column 1).

**As to claim 9**, it is a method claim of claims 3 and 5-7. Therefore, it is rejected for the same reasons as claims 3 and 5-7 above.

**As to claim 10**, Fowlow as modified further teaches a loader (network class loader, lines 43-46 column 13), Namespace determines whether the name of the object is currently registered in the Namespace, if not, causes the loader to load said object into said working memory and registers the name in the Namespace (allows object names to be registered, lines 48-51 column 11).

**As to claim 11**, Fowlow as modified further teaches the loader invoking the constructor (Java interpreter resolve any undefined class references, line 48 column 13); the constructor finding the entry point of the object and calling an executable at the entry point; the executable causing space in the working memory to be allocated for a VTable, an Interface and an Implementation of the object and producing a pointer to the memory space, the pointer comprising the IUnknown pointer (lines 43-59 column 13).

**As to claim 12**, Fowlow as modified further teaches loading the VTable, Interface and Implementation in the space in the working memory allocated therefore; initializing the state of the object including the VTable and interface pointers (line 60 column 13 to line 3 column 14).

**As to claim 13**, it is a computer system claim of claims 3 and 9-10. Therefore, it is rejected for the same reasons as claims 3 and 9-10 above.

**As to claim 14**, it is a computer system claim of claims 7 and 11. Therefore, it is rejected for the same reasons as claims 7 and 11 above.

**As to claims 15-17**, they are computer system claims of claims 10-12, respectively. Therefore, they are rejected for the same reasons as claims 10-12 above.

**As to claim 18**, it is a computer system claim of claims 3 and 7. Therefore, it is rejected for the same reasons as claims 3 and 7 above.

**As to claims 19-20**, they are computer system claims of claim 3. Therefore, they are rejected for the same reasons as claim 3 above.

**As to claim 21**, King further teaches permitting the object to remain in working memory after being no longer needed by the application in order to permit other applications to access the one object (...A client may start an object, acquire interface pointers to the object's interfaces, and then pass those interface pointers on to other clients which may in turn pass them on to still other clients. If the first client were to delete the object when the first client was done with the object, the other clients may not be able to complete their use of the object..., lines 38-43 column 1).

**As to claim 23**, it is a computer system claim of claim 2. Therefore, it is rejected for the same reasons as claim 2 above.

**As to claims 24 and 26-30**, they are computer system claims of claims 3, 5-8 and 10, respectively. Therefore, they are rejected for the same reasons as claims 3, 5-8 and 10 above.

**As to claims 31-32**, they are computer system claims of claim 11. Therefore, they are rejected for the same reasons as claim 11 above.

**As to claim 33**, it is a method claim of claims 3, 7 and 9. Therefore, it is rejected for the same reasons as claims 3, 7 and 9 above.

**As to claim 34**, it is a method claim of claim 10. Therefore, it is rejected for the same reasons as claim 10 above.

**As to claim 35**, it is a method claim of claims 3, 7 and 9. Therefore, it is rejected for the same reasons as claims 3, 7 and 9 above.

**As to claim 36**, it is a method claim of claim 10. Therefore, it is rejected for the same reasons as claim 10 above.

**As to claim 37**, King further teaches virtual memory space interface, virtual memory map interface, and virtual memory view interface (object's interfaces, line 39 column 1).

### ***Response to Arguments***

5. Applicant's arguments filed 1/25/2006 have been fully considered but they are not persuasive.

Applicant argued that in Pekowski reference, the operating system is not dynamically configurable (Remarks, first complete paragraph page 14). In response, the recitation of dynamically configurable has not been given patentable weight because the recitation occurs in the preamble. A preamble is generally not accorded any patentable weight where it merely recites the purpose of a process or the intended use



of a structure, and where the body of the claim does not depend on the preamble for completeness but, instead, the process steps or structural limitations are able to stand alone. See *In re Hirao*, 535 F.2d 67, 190 USPQ 15 (CCPA 1976) and *Kropa v. Robie*, 187 F.2d 150, 152, 88 USPQ 478, 481 (CCPA 1951). However, in *Pekowski* reference, DLLs, as a component of the operating system (...these libraries play an important role in operating systems such as Windows and OS/2, which use them to make their services and resources available to application programs..., lines 47-50 column 1), are being dynamic linked at runtime. This clearly discloses the operating system is dynamically configurable. The reference meets the limitation as claimed.

### ***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andy Ho whose telephone number is (571) 272-3762. A voice mail service is also available for this number. The examiner can normally be reached on Monday – Friday, 8:30 am – 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Thomson can be reached on (571) 272-3718.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIM) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 571-272-2100.

Any response to this action should be mailed to:

Commissioner for Patents

P.O Box 1450

Alexandria, VA 22313-1450

Or fax to:


- AFTER-FINAL faxes must be signed and sent to (571) 273 - 8300.

Art Unit: 2194

- OFFICAL faxes must be signed and sent to (571) 273 - 8300.
- NON OFFICAL faxes should not be signed, please send to (571) 273 – 3762

A.H

March 30, 2006



WILLIAM THOMSON  
SUPERVISORY PATENT EXAMINER